

EXHIBIT 1:
LAW DEPARTMENT LETTER

4819-3446-6078.1

Lynette Benson
19141 Ohio
Detroit, MI 48224

June 21, 2011

Claimant: Lynette Benson (Tree Claim: Damage to Vehicle)
DOL: 4.28.2011
Claim amount: Not Specified on the Claim Form by the Claimant
Location: 19141 Ohio

Dear Ms. Benson:

We received your Claim on June 13, 2011. Your Claim stated, "the tree in front of my neighbor(s) house is very rotted, a large lim broke off crashing on to my car, crunching my hood and bum(p)er." You **did not** specify the amount of damages in item 8 of the Claim's application; you **did not** provide a certificate of title verifying ownership of the vehicle and you **did not** provide a copy of the automobile insurance policy with Starr indemnity & liability Company.


Please be advised that the pursuant to the laws of the State of Michigan, the City of Detroit is protected by governmental immunity from all liability and damages caused by falling trees or tree limbs. See *Pohutski v. City of Allen Park* 465 Mich 675, 994; 641 NW 2d 219 (2002).

Also, in accordance with MCL 691.1401 (e): "Highway means a public highway, road, or street that is open for public travel and includes bridges, sidewalks, trailways, crosswalks, and culverts on the highway. **The term highway does not include alleys, trees, and utility poles.**

Therefore, your claim is denied, since governmental immunity applies to your claim.

You may appeal this decision to the Auditor General. If you wish to appeal this matter, you must advise the Law Department, within twenty (20) days of June 22, 2011. To request an appeal, please return a copy of this letter and complete the information listed below.

Very truly yours,


Attorney de Jongh

Supervising Assistant Corporation Counsel

YES I request an Appeal

Name: Lynette Benson (Print) Address: 19141 Ohio

Date: 6-24-11 Signature: 